

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

JORGE M. GONZALEZ,

§

Plaintiff,

§

V.

§

**UNITED PROPERTY & CASUALTY
INSURANCE COMPANY, UNITED
INSURANCE MANAGEMENT LC,
AND CATHERINE CASTORINA,**

§

**CIVIL ACTION
NO.:_____**

Defendants.

§

DEFENDANTS' NOTICE OF REMOVAL

Defendants United Property & Casualty Insurance Company (“UPC”), Catherine Castorina (“Castorina”), and United Insurance Management, L.C. (“UIM”) file this Notice of Removal:

I. Background

1. On June 27, 2017, Plaintiff Jorge M. Gonzalez (“Plaintiff”) filed this lawsuit in Hidalgo County, Texas, naming UPC, Castorina, and United Insurance Management LC (“UIM”) as Defendants.
2. Plaintiffs served UPC with a copy of the Original Petition on July 7, 2017.
3. Plaintiffs served Castorina on or about July 7, 2017.
4. Upon information and belief, Defendant UIM is an internal adjusting service for UPC and is a Florida limited liability company.

5. UPC, Castorina, and UIM file this notice of removal within 30 days of receiving Plaintiff's initial pleading. *See* 28 U.S.C. § 1446(b). In addition, this Notice of Removal is being filed within one year of the commencement of this action. *See id.*

6. As required by Local Rule 81 and 28 U.S.C. § 1446(a), simultaneously with the filing of this notice of removal, attached hereto as Exhibit "A" is an Index of Matters Being Filed. A copy of the Docket Sheet is attached as Exhibit "B." A copy of Plaintiff's Original Petition is attached as Exhibit "C." A copy of the Citation and Return of Service to UPC is attached as Exhibit "D." A copy of the Citation and Return of Service to Catherina Castorina is attached as Exhibit "E." A copy of the Citation and Return of Service to UIM is attached hereto as Exhibit "F." Defendants United Property & Casualty Insurance Company's and Catherina Castorina's Original Answer to Plaintiff's Original Petition is attached as Exhibit "G." Defendant United Insurance Management, L.C.'s Original Answer to Plaintiff's Original Petition is attached as Exhibit "H." A list of Counsel and Parties to the Case is attached as Exhibit "I." A copy of this Notice is also being filed with the state court and served upon the Plaintiff.

7. Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and division embrace Hidalgo County, Texas, the place where the removed action has been pending.

II. Basis for Removal

8. Removal is proper based on diversity of citizenship under 28 U.S.C. §§ 1332(a), 1441(a) and 1446. This is a civil action between citizens of different states, and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

A. The Proper Parties Are Of Diverse Citizenship.

9. Plaintiff is, and was at the time the lawsuit was filed, a resident and citizen of Texas.

10. UPC was at the time this action was commenced, and still is, a foreign (Florida) property and casualty insurance company authorized to do business in the State of Texas. UPC is organized under Chapter 982 of the Texas Insurance Code.

11. Catherina Castorina is, and was at the time the lawsuit was filed, a resident and citizen of the State of Georgia.

12. United Insurance Management LC is, upon information and belief, a division within UPC, a Florida property and casualty insurance company and is itself a Florida limited liability company.

13. Because Plaintiff is a citizen of Texas, Defendants UPC and UIM are citizens of Florida, and Castorina is a citizen of Georgia, complete diversity of citizenship exists among the proper parties.

B. The Amount in Controversy Exceeds \$75,000.00.

14. This is a civil action in which the amount in controversy exceeds \$75,000.00. Plaintiff alleges that UPC is liable under a residential insurance policy because Plaintiff made a claim under that policy and UPC wrongfully adjusted Plaintiff's claim. Plaintiff specifically alleges that he seeks monetary relief over \$100,000.00 but not more than \$200,000.00.

15. Moreover, Plaintiff's Original Petition alleges that UPC is liable under various statutory and common law causes of action for consequential damages, statutory penalties, treble

damages, exemplary damages, court costs, and attorney's fees. As such, Plaintiff's alleged damages greatly exceed \$75,000.00.

III. Conclusion and Prayer

16. Accordingly, all requirements are met for removal under 28 U.S.C. §§ 1332 and 1441. United Property & Casualty Insurance Company, Catherine Castorina, and United Insurance Management, L.C. hereby remove this case to this Court for trial and determination.

Respectfully submitted,

/s/ Rhonda J. Thompson

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COUNSEL FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that on the 4th day of August, 2017, a true and correct copy of the foregoing was delivered to the following counsel for Plaintiff by electronic service and certified mail, return receipt requested:

William T. Jones, Jr.
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/s/ Brett Gardner
Brett Gardner